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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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9 Vickie Ann Dean,)

10 Plaintiff,)

11 vs.)

12 DeLinda Haynes,)

13 Defendant.)
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No. CIV 08-1418-PHX-JWS (DKD)

ORDER

15 Plaintiff filed this lawsuit on July 31, 2008 (Doc. #1); the amended complaint was filed
16 November 10, 2008 (Doc. #6). A review of the file indicates these were the only pleadings filed
17 by Plaintiff. Service upon Defendant Haynes has been unsuccessful. On August 17, 2009, the
18 Attorney General's Office filed a notice stating that Defendant Haynes is not currently
19 employed by the ADC and was not directly employed by the ADC at the times relevant to
20 Plaintiff's Complaint. Furthermore, the ADC obtained the nursing services of Defendant
21 through a nursing registry and they were advised by ADC staff that the registry was contacted
22 to obtain a last known address for Defendant. The registry advised that Defendant Haynes was
23 terminated on July 27, 2008, and the registry does not have a last known address (Doc. #13).
24 Federal Rule of Civil Procedure 4(m) states:

25 **(m) Time Limit for Service.** If a defendant is not served within 120 days after
26 the complaint is filed, the court — on motion or on its own after notice to the
27 plaintiff — must dismiss the action without prejudice against that defendant or
28 order that service be made within a specified time. But if the plaintiff shows
good cause for the failure, the court must extend the time for service for an
appropriate period. This subdivision (m) does not apply to service in a foreign
country under Rule 4(f) or 4(j)(1).

1 LRCiv 41.1, Rules of Practice of the United States District Court for the District of
2 Arizona provides that "[c]ases which have had no proceedings for six (6) or more months may
3 be dismissed by the Court for want of prosecution."

4 **IT IS THEREFORE ORDERED** that plaintiff shall have twenty (20) days from the
5 date of the filing of this Order to show good cause why this case should not be dismissed
6 pursuant to LRCiv 41.1, Rules of Practice of the United States District Court for the District of
7 Arizona, for want of prosecution and Rule 4(m), F.R.Civ.P. If plaintiff fails to comply with this
8 Order, this action shall be dismissed.

9 DATED this 18th day of September, 2009.

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13 David K. Duncan
14 United States Magistrate Judge
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